IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.16290 of 1998

Dated: 21-02-2007

Between:

1. C. V. Kumar, s/o Kuppuswamy Pillai,
   aged about 42 years,
   r/o Dandapalli,
   Gangavaram Mandal,
   Chittoor District and another.

... Petitioners

and

1. The Special Commissioner of Land Revenue,
   Andhra Pradesh, Hyderabad and 3 others.

... Respondents

ORDER:

Questioning the proceedings of the fourth respondent, vide letter No.80451/ASN-IV(2)97, dated 12-03-1998 and the orders of the first respondent in BCW2/1512/95, dated 07-10-1997, this writ petition is filed seeking declaration that the petitioners are entitled for possession and enjoyment of the lands in question.

2. In the affidavit filed in support of the writ petition it is stated that the first petitioner was assigned dry land in an extent of Ac.2-28 cents in Sy.No.996/5 and an extent of Ac.0-57 cents, in D.K.T.No.60/4/93, dated 26-12-1993 and the second petitioner was assigned dry land in an extent of Ac.3-18 cents in Sy.No.999/3 in D.K.T.No.61/4/93, dated 26-12-1993 and since then they have been in peaceful possession and enjoyment of the said lands. It is stated that on receipt of an anonymous petition stating that the lands in question originally assigned to his father and they have sold away the said land to third parties, the second respondent directed the third respondent to conduct an enquiry and submit report. The third respondent, without issuing any notice to the petitioners, conducted enquiry and submitted a report stating that the lands in question were originally assigned to one Ramanna Boyudu and Venkata Boyudu on

22-02-1960. Based on the said report, the assignments granted in favour of the petitioners, were cancelled and thereupon they filed appeal before the first respondent on 14-12-1995 and the first respondent dismissed the appeal on 07-10-1997. Questioning the said orders, the petitioners filed revision before the first respondent on 05-11-1997 and also filed petition seeking stay of the order passed by the first respondent. As the first respondent had not passed any stay order, the petitioners filed W.P.No.296 of 1998 and this Court while disposing of the said writ petition on 06-01-1998 directed the fourth respondent to pass orders on stay petition filed by them. It is stated that pursuant to the orders passed by this Court, the fourth respondent sent a letter bearing No.80451/

ASN-IV(2)97, dated 12-03-1998 informing that the revision preferred by the petitioners was dismissed. Hence, this writ petition.

3. Heard learned counsel for the parties.

4. Admittedly, the second respondent – Joint Collector after holding an enquiry through the third respondent passed an order, canceling the assignment made in favour of the petitioners, on 12-11-1995. Against the said order, petitioners filed an appeal before the first respondent – Special Commissioner, Land Revenue and the same was dismissed on
07-10-1997. Thereafter, the petitioners preferred revision before the fourth respondent – Government. However, the fourth respondent on 12-03-1998 dismissed the said revision and informed the petitioners in the following manner--

> "I am directed to inform you that your revision petition filed before the Government has disposed of as there are no valid grounds in the revision."

Questioning the said order, the petitioners filed the present writ petition stating that it is not only violative of principles of natural justice but also contrary to Section 4-B of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'the Act').

5. I find force in the submission made by the learned counsel for the petitioners. Section 4-B of the Act deals with revision and according to the said provision the Government may in respect of any proceedings either *suo motu* or on an application made to them, call for the examination of the records of any office subordinate to them. Further, according to
sub-section (2) of Section 4-B of the Act, no order adversely affecting any person shall be passed under sub-section (1), unless such person has been given an opportunity of making his representation. In the instant case, when a revision is filed, it is the bounden duty of the

fourth respondent to issue notice to the petitioners, hear them and pass appropriate orders. But the impugned order is totally contrary to the said provision. Hence, this Court is of the view that the proceedings of the fourth respondent are liable to be set aside.

6. In the result, the writ petition is allowed and the proceedings of the fourth respondent, vide letter No.80451/ASN-IV(2)97, dated 12-03-1998,

is set aside and the matter is remitted to fourth respondent – Government for fresh disposal in accordance with law. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.21-02-2007
GLV